IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 3357 of 2006
Date of decision : 4.12.2006.

Muni Devi & Anr.

.....Petitioners.

Versus

Shiv Kumar & Ors.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Surender Dhull,Advocate
for the petitioners.

Mr. Ramesh Sharma, Advocate
for respondents No. 1 to 7.

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VINOD K. SHARMA,J.(ORAL)

Present revision petition has been filed against the orders passed by the learned Courts below dismissing the application moved by the petitioners under Order 39 Rules 1 & 2 C.P.C. wherein the petitioners have sought injunction claiming themselves to be in possession of the property in dispute.

The respondents are the vendees from respondent No.1. It is not in dispute that previously the petitioners had filed a suit against respondent No.1 along with others for permanent injunction claiming himself to be owner in possession. The said suit was dismissed by the learned trial Court. Even appeal filed against that judgment was dismissed. Accordingly the regular second appeal filed by the petitioners was ordered to be admitted, however, no stay has been granted in favour of the petitioner.

In view of this the petitioners have no prima facie case to file the present suit against the respondents as they have stepped into the shoes of their vendors qua whom the regular second appeal also stands admitted. In view of this the learned trial Court has rightly come to the conclusion that the petitioner has no prima facie case in his favour to seek injunction. Accordingly, there is no merit in this revision petition.

Dismissed.

4.12.2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**